

## UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
09/696,826	10/25/2000	William M. Clark, Jr.	B-3650 617089-5 4721		
7:	590 11/29/2001				
Richard P Ber		EXAMINER			
LADAS & PAI 5670 Wilshire I		TRAN, THIEN F			
Suite 2100 Los Angeles, C	A 90036-5679	ART UNIT	PAPER NUMBER		
, -			2811	2811	
			DATE MAILED: 11/29/2001		

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary    Examiner			Application No.	pplicant(s)				
Then F Tran	Office Action Summary		09/696,826	CLARK, JR. ET AL.				
Th. MALING DATE of this communication app are on th cov r sh t with the corr spond no address— Peri d for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MALING DATE OF THIS COMMUNICATION.  Edentions of time may be available used the provisions of 3 CFR 1.18(e). In no aveal, however, may a neply be timely filed the proof of the provisions of 10 CFR 1.18(e). In no aveal, however, may a neply be timely filed to the proof of the provision of Claims  1) □ Responsive to communication(s) filed on			Examiner	Art Unit				
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THE MAILING DATE OF THIS COMMUNICATION.  Ederations of time may be available under the provisions of 3 CPR 1.13(b). In one event, however, may a reply be limitly filed after 55 (6) MONTHS from the mailing date of this communication.  It No entrol for reply is accorded above, the maximum studency proved study and will see the mailing date of this communication.  Failure to reply within the set or extended pended for reply will, by statute, cause the application to become ARANDONED (35 U.S.C. § 133).  Any reply received by the Office of the thin three maining date of this communication, even if timely filed, may reduce any seamed protein term adjustment. See 37 CFR 1.704(b).  Status  1) Responsive to communication(s) filed on this provision of the protein term adjustment. See 37 CFR 1.704(b).  Status  1) Responsive to communication(s) filed on this provision of the protein term adjustment. See 37 CFR 1.704(b).  Status  1) Responsive to communication(s) filed on the protein of the pro								
2a)  This action is FINAL. 2b)  This action is non-final.  3)  Since this application is in condition for allowance except for formal matters, prosecution as to the ments is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4)  Claim(s)  1:14 is/are pending in the application. 4a) Of the above claim(s)  is/are withdrawn from consideration.  5)  Claim(s)  is/are allowed. 6)  Claim(s)  is/are rejected. 7)  Claim(s)  is/are rejected to. 8)  Claim(s)  1:14 are subject to restriction and/or election requirement.  Application Papers  9)  The specification is objected to by the Examiner. 10)  The drawing(s) filed on  is/are: a)  accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  11)  The proposed drawing correction filed on  is: a) approved by the Examiner. If approved, corrected drawings are required in reply to this Office action.  12)  The oath or declaration is objected to by the Examiner.  Priority under 35 U.S.C. §§ 119 and 120  13)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a)  All b)  Some * c)  None of:	THE MAILING DATE OF THIS COMMUNICATION.  Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.  If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.  If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.  Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).							
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## **DETAILED ACTION**

## Election/Restriction

- 1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - Claims 1-8, drawn to a semiconductor device, classified in class 257, subclass
     734.
  - II. Claims 9-14, drawn to process for making semiconductor devices, classified in class 438, subclass 22+.
- 2. The inventions are distinct, each from the other because of the following reasons: Inventions II and I are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case unpatentability of the group I invention would not necessarily imply unpatentability of the method of the group II invention, since the device of the group I invention could be made by processes different from those of the group II invention. For example, the product as claimed can be made by another and materially different process such as diffusing instead of implanting.
- 3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

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4. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the

inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently

named inventors is no longer an inventor of at least one claim remaining in the application. Any

amendment of inventorship must be accompanied by a petition under 37 CFR 1.48(b) and by the

fee required under 37 CFR 1.17(I).

5. Any inquiry concerning this communication or earlier communications from the examiner

should be directed to Thien Tran whose telephone number is (703) 308-4108. The examiner can

normally be reached on Monday through Friday from 8:30AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor,

Tom Thomas, can be reached on (703) 308-2772. The fax phone number for the organization

where this application or proceeding is assigned is (703) 308-7722.

Any inquiry of a general nature or relating to the status of this application or proceeding

should be directed to the receptionist whose telephone number is (703) 308-0956.

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TOM THOMAS

TECHNOLOGY CENTER 2800

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November 13, 2001